

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -X

UNITED STATES OF AMERICA

: INDICTMENT

-v.-

08 CRIM 557

FALIKOU KONE,
a/k/a "Ben,"

:

:

Defendant.

:

- - - - -X

COUNT ONE

The Grand Jury charges:

1. From at least in or about December 2006, through on or about August 10, 2007, in the Southern District of New York and elsewhere, FALIKOU KONE, a/k/a "Ben," the defendant, unlawfully, willfully, and knowingly and with intent to defraud as part of an offense affecting interstate commerce, did possess fifteen and more devices which are counterfeit and unauthorized access devices, to wit, KONE possessed at least fifteen unauthorized debit and credit cards issued in the names of other individuals.

(Title 18, United States Code, Sections 1029(a)(3) & 2.)

JUDGE SCHEINDLIN

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: JUN 18 2008
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COUNT TWO

The Grand Jury further charges:

2. From at least in or about December 2006, through on or about August 10, 2007, in the Southern District of New York and elsewhere, FALIKOU KONE, a/k/a "Ben," the defendant, unlawfully, willfully, and knowingly did transfer, possess, and use, without lawful authority, a means of identification of another person with the intent to commit, and to aid and abet, and in connection with, unlawful activity constituting a violation of Federal law, which conduct was in and affected interstate and foreign commerce, to wit, KONE possessed the names and Social Security numbers of other persons without authorization and used that information to obtain H&R Block Emerald Prepaid Mastercards, which he then used for his own purposes.

(Title 18, United States Code, Sections 1028(a)(7), (b)(1)(D),
and 2.)

COUNT THREE

The Grand Jury further charges:

3. From at least in or about December 2006, through on or about August 10, 2007, in the Southern District of New York and elsewhere, FALIKOU KONE, a/k/a "Ben," the defendant, unlawfully, willingly, and knowingly did transfer, possess, and use, without lawful authority, a means of identification of another person, during and in relation to a felony violation enumerated in Title

18, United States Code, Section 1028A(c), to wit, KONE possessed, used, and transferred a means of identification of another person to commit access device fraud as charged in Count One of this Indictment.

(Title 18, United States Code, Sections 1028A and 2.)

FORFEITURE ALLEGATION

4. As a result of committing one or more of the offenses alleged in Counts One and Two of this Indictment, FALIKOU KONE, a/k/a, "Ben," the defendant, shall forfeit to the United States, pursuant to 18 U.S.C. § 982(a)(2)(B), any property constituting, or derived from, proceeds obtained directly or indirectly as a result of such violations, including but not limited to a sum in United States currency representing the amount of proceeds obtained as a result of the offenses alleged in Counts One and Two.

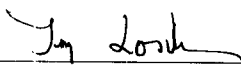
Substitute Asset Provision

5. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:


- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third person;
- (3) has been placed beyond the jurisdiction of the Court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot

be subdivided without difficulty;
it is the intent of the United States, pursuant to 18 U.S.C.
§ 982(b), to seek forfeiture of any other property of said
defendant up to the value of the above-described forfeitable
property.

(Title 18, United States Code, Sections 982, 1028 and 1029.)



FOREPERSON



MICHAEL J. GARCIA
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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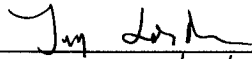
INDICTMENT

08 Cr.

(18 U.S.C. §§ 1028(a)(7), 1029(a)(3),
1028A & 2)

MICHAEL J. GARCIA
United States Attorney.

A TRUE BILL


6/18/08

Foreperson.
